

Ashley M. Gjovik, JD
In Propria Persona
2108 N St. Ste. 4553
Sacramento, CA, 95816
(408) 883-4428
legal@ashleygjovik.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHLEY GJOVIK, *an individual*,

Plaintiff,

vs.

APPLE INC, a corporation,

Defendant.

Case No. 3:23-CV-04597-EMC

DECLARATION OF
PLAINTIFF ASHLEY GJOVIK

Civil L.R. 7-3, 7-5

**DECLARATION OF PLAINTIFF IN SUPPORT OF OPPOSITION TO
DEFENDANT'S ADMINISTRATIVE MOTION TO STAY PLAINTIFF'S
MOTION TO AMEND AND MOTION TO DISQUALIFY**

DECLARATION OF ASHLEY GJOVIK

Pursuant to 28 U.S.C. § 1746, I, Ashley M. Gjovik, hereby declare as follows:

My name is Ashley Marie Gjovik. I am a self-represented Plaintiff in the above-captioned matter and submit this declaration in support of my Opposition to Defendant Apple Inc.'s Administrative Motion to Stay Plaintiff's Motion to Amend and Motion to Disqualify, and Plaintiff's Cross-Motion to Stay Defendant's Motion to Dismiss Pending Resolution of Plaintiff's Motions to Amend and Disqualify. I have personal knowledge of the facts stated herein and, if called upon to testify, I could and would do so competently.

On January 31, 2025, at 12:53 PM PST, I received an email from Defendant's counsel, Melinda S. Riechert of Orrick, Herrington & Sutcliffe LLP, stating that Defendant was preparing to file an administrative motion to stay its deadline to respond to my Motion to Amend (Dkt. 155) and that I needed to respond by 3:00 PM PST to indicate whether I would stipulate to their request. A true and correct copy of this email exchange is attached hereto as Exhibit A.

At the time Defendant's counsel sent this email, I was asleep due to illness and did not see their message until later. I responded at 4:38 PM PST—

approximately an hour and half after their deadline—stating that I did not agree to stipulate and that it would be more appropriate to withdraw their pending Motion to Dismiss and allow an amended complaint before determining if a motion to dismiss was still necessary.

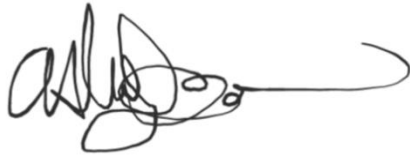
At 7:42 PM PST, Defendant’s counsel responded that they were not willing to withdraw their motion to dismiss and had already filed their administrative motion regarding the deadline to respond to my motion to amend.

Defendant’s motion falsely suggests that I was given a reasonable opportunity to engage in meaningful discussion about their request. In reality, I was given two hours’ notice to respond, while being ill, and I was not even awake at the time their deadline passed. Defendant’s failure to disclose these facts to the Court is a clear attempt to misrepresent the procedural history and manufacture prejudice against me.

I submit this declaration to correct the record and to demonstrate that Defendant’s claim that it sought my stipulation in good faith is false. Defendant’s email exchange clearly shows that they imposed an arbitrary and unreasonable deadline in an effort to mislead the Court.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on February 3 2025.

Signature:

A handwritten signature in black ink, appearing to read 'Ashley M. Gjovik', with a long horizontal flourish extending to the right.

/s/ Ashley M. Gjovik
Pro Se Plaintiff

Email: legal@ashleygjovik.com

Physical Address: Boston, Massachusetts

Mailing Address: 2108 N St. Ste. 4553 Sacramento, CA, 95816

Phone: (408) 883-4428

EXHIBITS

RE: Gjovik v. Apple

From Riechert, Melinda <mriechert@orrick.com>
To Ashley M. Gjovik (Legal Matters) <legal@ashleygjovik.com>
CC Perry, Jessica R. <jperry@orrick.com>, Mantoan, Kathryn G. <kmantoan@orrick.com>, Booms, Ryan <rbooms@orrick.com>, Juvinall, Kate <kjuvinall@orrick.com>
Date Friday, January 31st, 2025 at 7:42 PM

We are not willing to withdraw our motion to dismiss. We have filed the administrative motion regarding the deadline to respond to your motion to amend.

Melinda Riechert

Partner

[Orrick](#)

Silicon Valley 

T 650/614-7423

M 6507591929

mriechert@orrick.com



From: Ashley M. Gjovik (Legal Matters) <legal@ashleygjovik.com>

Sent: Friday, January 31, 2025 4:38 PM

To: Riechert, Melinda <mriechert@orrick.com>

Cc: Perry, Jessica R. <jperry@orrick.com>; Mantoan, Kathryn G. <kmantoan@orrick.com>; Booms, Ryan <rbooms@orrick.com>; Juvinall, Kate <kjuvinall@orrick.com>

Subject: Re: Gjovik v. Apple

[EXTERNAL]

I am still sick, and I was asleep and just woke up, so I did not see your message with a two hour deadline, until just now. I do not want to stipulate to that, and it would be more effective to withdraw the current motion to dismiss, amend the complaint, then see if a motion to dismiss is even still relevant / applicable after.

—

Ashley M. Gjøvik

BS, JD, PMP

Sent with [Proton Mail](#) secure email.

On Friday, January 31st, 2025 at 3:53 PM, Riechert, Melinda <mrieichert@orrick.com> wrote:

Ashley,


Under Local Rule 7-11, we are preparing to file an administrative motion to stay the deadline for Apple to respond to the motion you filed early this morning to amend your complaint until after the CMC conference on February 21. Your motion does not comply with Local Rules 7.2(a) or 7-4(d), and it is premature to consider a request to file a sixth amended complaint while Apple's motion to dismiss the fifth amended complaint is pending and fully briefed.

Please let us know by 3:00 pm PST if you will stipulate to this request.

Melinda Riechert

Partner

[Orrick](#)

Silicon Valley 

T 650/614-7423

M 6507591929

mrieichert@orrick.com



NOTICE TO RECIPIENT | This e-mail is meant for only the intended recipient of the transmission, and may be a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of the error by return e-mail and please delete this message from your system. Thank you in advance for your cooperation.

For more information about Orrick, please visit <http://www.orrick.com>.

In the course of our business relationship, we may collect, store and transfer information about you. Please see our privacy policy at <https://www.orrick.com/Privacy-Policy> to learn about how we use this information.

NOTICE TO RECIPIENT | This e-mail is meant for only the intended recipient of the transmission, and may be a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of the error by return e-mail and please delete this message from your system. Thank you in advance for your cooperation.

For more information about Orrick, please visit <http://www.orrick.com>.

In the course of our business relationship, we may collect, store and transfer information about you. Please see our privacy policy at <https://www.orrick.com/Privacy-Policy> to learn about how we use this information.